

PALMER LAKE, COLORADO

ORDINANCE NO. 2 OF 2019

AN ORDINANCE VACATING AND REPLATING PARTS OF TRINITY ADDITION, PALMER LAKE, COLORADO

WHEREAS, PURSUANT TO SECTION 43-2-303, C.R.S., THE TOWN HAS THE AUTHORITY TO VACATE ANY ROADWAY WITHIN ITS JURISDICTION BY ORDINANCE; AND

THE TOWN OF PALMER LAKE HAS RECEIVED A REQUEST FROM ADJACENT OWNERS OF PROPERTY ON BOTH SIDES OF PORTIONS OF RIGHT OF WAYS IN THE TRINITY ADDITION IN PALMER LAKE, COLORADO; AND

THE TOWN HAS DETERMINED THAT THE RIGHT OF WAY SOUGHT TO BE VACATED HAS NEVER BEEN USED AS PUBLIC RIGHT OF WAY AND IS NOT NEEDED OR DESIRED FOR PUBLIC RIGHT OF WAY PURPOSES ; AND

WHEREAS, THE VACATION EFFECTED HEREBY WILL NOT RESULT IN LEAVING ANY LAND ADJOINING SAID ROADWAYS WITHOUT AN ESTABLISHED PUBLIC ROAD OR PRIVATE ACCESS EASEMENT CONNECTING SAID LAND WITH ANOTHER ESTABLISHED PUBLIC ROAD; AND

WHEREAS THE TOWN OF PALMER LAKE HAD DETERMINED THAT NO SIGNIFICANT PUBLIC IMPROVEMENTS LIE WITHIN THE PROPOSED VACATED RIGHT OF WAY.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. Pursuant to applicable state statute as shown on Attachment A, the Town of Palmer Lake hereby vacates:

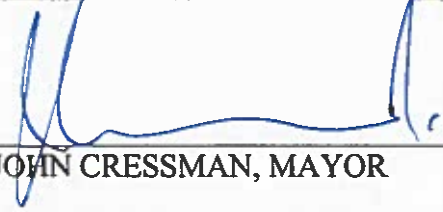
- a. Portions of Trinity Addition to the Town of Palmer Lake; lying in the SE1/4 of Section 5, Township 11 S., Range 67 W. of the 5th Principal Meridian, Town of Palmer Lake; County of El Paso State of Colorado.

Section 2. Pursuant to state statute, upon the effective date of this Ordinance, the title to the properties vacated hereby shall be vested to the property owners depicted in Attachment A.


Section 4. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or

invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 5. Publication. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only. This ordinance shall become effective thirty (30) days after the date of publication. PASSED AND ADOPTED THIS 23rd DAY OF May, 2018 by a vote of __ for and __ against.



JOHN CRESSMAN, MAYOR

ATTEST:


VERLA BRUNER, TOWN CLERK

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of May 23, 2018, and ordered published by title only by Exponent newspaper on MAY, 2019.



Verla Bruner, Town Clerk

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

The Town of Palmer Lake Town Council will consider on May 23, 2019 at 28 Valley Crescent 6PM AN ORDINANCE APPROVING A LOAN FROM THE TOWN OF PALMER LAKE GENERAL FUND TO THE TOWN OF PALMER LAKE WATER ENTERPRISE ("ENTERPRISE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000.00 AND AT THE SAME INTEREST RATE (2%) AND TERM (20 YEARS) AS THE LOAN ENTERED INTO BY THE ENTERPRISE WITH THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY ("CWRPDA") PURSUANT TO ORDINANCE 2018-3, AUTHORIZING THE FORM AND EXECUTION OF THE PROMISSORY NOTE TO EVIDENCE SUCH LOAN; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

Published in the CS Gazette May 18, 2019

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette. LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 05/18/2019

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 05/20/2019, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette

SANDRA KING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184014369
MY COMMISSION EXPIRES MARCH 30, 2022

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

The Town of Palmer Lake Town Council will consider May 23, 2019 at 28 Valley Crescent SPW AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 1.5 ACRES OF LAND DESCRIBED AS LOTS 1 THROUGH 21, BLOCK 36, BROWNS FILING IN PALMER LAKE, COLORADO, FROM C-C (CONVENIENCE COMMERCIAL) TO R3 (MEDIUM DENSITY RESIDENTIAL)
Published in the CS Gazette May 16, 2019

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette. LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 05/18/2019

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 05/20/2019, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette

SANDRA KING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184014369
MY COMMISSION EXPIRES MARCH 30, 2022